THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18497 of 1996

ORAL ORDER:

This writ petition is filed seeking Certiorari to call for the records relating to the proceedings of the second respondent in Rc.No.A4/434/96 dated 29.8.1996 and quash the same as arbitrary, illegal and against the principles of natural justice and consequently direct the respondents to regularize the services of the petitioner in the post of Scavenger in the establishment of Sri Lakshmi Narasimha Swamy Devasthanam, Yadagirigutta, Nalgonda district.

The facts are not in dispute. One Sk.Basha, permanent Scavenger of the Devasthanam died in the year 1991 and in the said vacancy, petitioner was appointed as N.M.R. as per the proceedings of the second respondent in No.A2/434/96 dated 26.1.1996 in the scale of Rs.1375-2375 and she reported to duty with effect from 28.1.1996. The second respondent by the said proceedings ordered payment of salary to the petitioner, however, by order dated 4.3.1996, stopped payment of salary on the ground that the order of appointment of the petitioner is yet to be approved by the first respondent. Thereafter, through impugned order dated 29.8.1996, the petitioner was removed from service stating that the Commissioner of Endowments refused to approve her appointment as Scavenger. Aggrieved by the same, the present writ petition is filed.

This Court, while admitting the writ petition on 3.9.1996, granted interim suspension of the impugned order and since then, the petitioner is continuing in the said post and she is being paid salary regularly.

I am of the opinion that absolutely, no notice of any kind was

issued to the petitioner before passing the impugned order. Further, it is not the case of the respondents that there was no vacancy, therefore, she was removed from service. The only ground on which the petitioner was removed from service was that her appointment was not approved by the first respondent. I am of the opinion that the impugned order passed by the respondent is in gross violation of principles of natural justice, therefore, the same is liable to be quashed.

In the result, the writ petition is allowed and the impugned order dated 29.8.1996 is quashed. No order as to costs.

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C.V.RAMULU,
J

Date: 12.12.2006

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W.P.No.18497 of 1996

12.12.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18497 of 1996

Date: 12th December, 2006

Between:

Smt.Aktar Bi

.. Petitioner

And

The State of A.P., rep. by the
Commissioner of Endowments,
Hyderabad & another.

.. Respondents